

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GREGORY SAUNDERS,

Petitioner,

CIVIL ACTION

v.

**MARIROSA LAMAS; THE DISTRICT
ATTORNEY OF THE COUNTY OF
DELAWARE; and, THE ATTORNEY
GENERAL FOR THE STATE OF
PENNSYLVANIA,**

Respondents.

NO. 12-1123

ORDER

AND NOW, this 11th day of March, 2013, upon consideration of Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 filed by *pro se* petitioner, Gregory Saunders (Document No. 1, filed March 1, 2012), Petition Requesting to Stay in Abeyance the Instant Writ of Habeas Corpus filed by *pro se* petitioner, Gregory Saunders (Document No. 3, filed April 9, 2012), the record in this case, the Report and Recommendation of United States Magistrate Judge Henry S. Perkin dated February 12, 2013, and *pro se* Petitioner's Objection to the Report and Recommendation of United States Magistrate Judge Henry S. Perkin entered on February 12, 2013 (Document No. 17, filed March 1, 2013), **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Henry S. Perkin dated February 12, 2013, is **APPROVED** and **ADOPTED**;
2. The Petition Requesting to Stay in Abeyance the Instant Writ of Habeas Corpus filed by *pro se* petitioner, Gregory Saunders is **DENIED**;
3. *Pro se* Petitioner's Objection to the Report and Recommendation of United States Magistrate Judge Henry S. Perkin entered on February 12, 2013, is **OVERRULED**;

4. Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 filed by *pro se* petitioner, Gregory Saunders, is **DENIED** as untimely filed¹;

5. A certificate of appealability will not issue because reasonable jurists would not debate whether the petition states a valid claim of the denial of a constitutional right or this Court's procedural rulings with respect to petitioner's claims. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

BY THE COURT:

s/ Jan E. DuBois

DuBOIS, JAN E., J.

¹ Petitioner argues in the Objection that, pursuant to *Martinez v. Ryan*, 1325 S. Ct. 1309 (2012), his Petition was timely filed. This issue was discussed and rejected in the Report and Recommendation with which this Court agrees. The Petition Requesting to Stay in Abeyance the Instant Writ of Habeas Corpus is based on *Martinez* and is denied for the same reason.